IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

CRP.No. 758 of 2007()

OS.321/2003 of ADDL.SUB COURT, IRINJALAKUDA
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REVN. PETITIONER: PLAINTIFF.

SHAJAN, S/O. PARATHUPARAMBIL SUBRAMANIAN,
EAST CHALAKUDY,THRISSUR DT, REPRESENTED BY
POWER OF ATTORNEY MINI W/O.PARATHUPARAMBIL SHAJAN,
EAST CHALAKUDY, THRISSUR DT.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS:
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1. SAJINI VARGHESE,W/O AANAKKADAN VARGHESE,
KOODAPPUZHA DESOM & VILLAGE, EAST CHALAKUDY,
MUKUNDAPURAM TALUK.

2. BEENA W/O. PENGIPARAMBIL SUUNY, DO..DO..

3. BIJU S/O. CHENGANIMATTOM DEVASSY,
EAST CHALAKUDY VILLAGE & DESOM,
MUKUNDAPURAM TALUK.

BY/

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN , J

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C.R.P. NO. 758 OF 2007

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Dated this the 16th day of August, 2007.

ORDER

This revision petition is preferred against the order of the Subordinate Judge, Irinjalakuda in I.A. No. 522/2006 in O.S. No. 321/2003. The said petition is filed under Section 28(3)of the Specific Relief Act and the prayer to the court is to direct the defendant to execute the lease deed. The court below has passed a one sentence order without taking care to see the purport of the application under Section 28(3). As per the judgment, the defendants were directed to give the plaintiffs the possession of the shop rooms having length of 4 feet and width of 8 feet near to the stair case of the shopping complex constructed by them on a rent of Rs.350/- per month for a period of five years within a period of one month from the date of the judgment, on failure of which the plaintiff was permitted to complete the construction of the rooms to take possession of it and to adjust the rent at the rate of Rs.350/- Now, an application is filed under Section 28(3) of the Specific Relief Act where the court can direct the parties for execution of proper conveyance for lease etc. I think this has not been considered by the court below and being a lease for more than a

period of one year it requires registration as well. Therefore, the order under challenge is set aside and the court below is directed to consider the application afresh bearing in mind the provisions of Section 28(3) which is quoted by the revision petitioner in the petition itself and pass orders in accordance with law after hearing both sides. The revision petitioner is directed to appear before the court below on **12.09.2007**. On that day the court shall give notice to the other side, fix a date for appearance and then dispose of the matter in accordance with law. The court below shall dispose of it as expeditiously as possible.

M.N. KRISHNAN, JUDGE.

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